

专 利 合 作 条 约

PCT

专利性国际初步报告

(PCT 第II章)

(PCT 36 和细则 70)

REC'D 01 DEC 2005

WIPO


PCT

申请人或代理人的档案号 IEE020019PCT	关于后续行为 参见 PCT/IPEA/416 表	
国际申请号 PCT/CN03/00568	国际申请日(日/月/年) 16.7 月 2003(16.07.2003)	优先权日(日/月/年)
国际专利分类(IPC)或者国家分类和 IPC 两种分类 IPC ⁷ : H04Q7/20 H04J13/00		
申请人 UT 斯达康(中国)有限公司 等		

1. 本报告是国际初步审查单位根据条约 35 做出的国际初步审查报告, 并依照条约 36 将其传送给申请人。
2. 本报告共计 3 页, 包括扉页。
3. ☐ 本报告还有附件,
 - a. ☐ (传送给国际局和申请人)共计 ____ 页, 包含
 - ☐ 修改后的并且作为本报告基础的说明书修改页、权利要求书修改页和/或附图修改页, 和/或对
本国际初步审查单位所做出的更正页(见 PCT 细则 70.16 和行政规程 607)。
 - ☐ 国际初步审查单位认为修改超出原始公开范围的取代页, 参见第 I 栏第 4 项和补充栏。
 - b. ☐ (传送给国际局) 共计 (指明电子载体的类型和数量) ____, 包含有在与序列表有关的补充栏中
指明的电子形式的序列表和/或与其相关的表格。(行政规程 802)

4. 本报告包括关于下列各项的内容:

- I ☒ 报告的基础
- II ☐ 优先权
- III ☐ 不做出关于新颖性、创造性和工业实用性的意见
- IV ☐ 缺乏发明的单一性
- V ☒ 按条约 35(2)关于新颖性、创造性或工业实用性的理由; 支持这种意见的引证和解释
- VI ☐ 引用的某些文件
- VII ☐ 国际申请中的某些缺陷
- VIII ☐ 对国际申请的某些意见

提交要求书的日期 15.7 月 2004(15.07.2004)	完成本报告的日期 09.11 月 2005(09.11.2005)
中华人民共和国国家知识产权局 IPEA/CN 中国北京市海淀区西土城路 6 号(100088) 传真号: (86-10) 62019451	授权官员  电话号码 (86-10) 62084566

I. 报告的基础

1. 关于语言, 本报告将基于:

☒ 申请提出时使用的语言。

☐ 该申请的____语言译文, 提供该种语言的译文是

☐ 为了国际检索而提交的译文所使用的语言(细则 12.3 和 23.1 (b))。

☐ 为了国际申请的公布而提交的译文所使用的语言(细则 12.4)。

☐ 为了国际初步审查而提交的译文所使用的语言(细则55.2和/或55.3)。

2. 关于国际申请中各个部分, 本报告基于(申请人为答复受理局根据条约 14 所发通知而提交的替换页, 在本报告中视为“原始提交”的文件, 不作为本报告的附件)

☒ 原始提交的国际申请。

☐ 说明书, 第_____页 原始提交的, _____ 初审单位收到的, _____ 初审单位收到的。

☐ 权利要求, 第_____页, 原始提交的, _____ 初审单位收到的, 第_____页, 按条约 19 条修改的(附有说明), _____ 初审单位收到的, 第_____页 _____ 初审单位收到的。

☐ 附图, 第_____页, 原始提交的。第_____页*, _____ 初审单位收到的, 第_____页*, _____ 初审单位收到的。

☐ 序列表和/或相关表格——参见与序列表有关的补充栏。

3. 修改导致以下内容的删除:

- ☐ 说明书, 第_____页
- ☐ 权利要求, 第_____项
- ☐ 附图, 第_____页, 图_____
- ☐ 序列表(具体说明) _____
- ☐ 与序列表相关的表格(具体说明) _____

4. ☐ 由于本报告附件的(某些)修改, 如下所列, 被认为超出了原始公开的范围, 如补充栏所示, 因此本报告是按照没有修改的情况做出的(细则 70.2(c))。

- ☐ 说明书, 第_____页
- ☐ 权利要求, 第_____项
- ☐ 附图, 第_____页, 图_____
- ☐ 序列表(具体说明) _____
- ☐ 与序列表相关的表格(具体说明) _____

*如果第 4 项适用, 一些或全部的文件页可能做出“被取代”标记。

专利性国际初步报告

国际申请号

PCT/CN03/00568

V. 按条约 35 (2) 关于新颖性、创造性或工业实用性的意见；支持这种理由的引证和解释

1. 意见

新颖性(N)	权利要求 1-11	是
	权利要求	否
创造性(IS)	权利要求 1-11	是
	权利要求	否
工业实用性(IA)	权利要求 1-11	是
	权利要求	否

2. 引证和解释 (细则 70.7)

本发明公开了一种基于 IP 交换的分布式的无线网络控制器，由多个按功能划分的模块组成。
已引用对比文件 D1、D2 和 D3。

D1: EP1269708 A1

D2: US2003086374 A1

D3: EP1309106 A1

D1 公开了一种无线接入网络中的协议体系结构，该协议体系结构包括互联网协议，作为传输网络层中的链路层协议之上的一个协议，该协议体系结构可以在几个接口中的一个或多个上使用。
D2 公开了一种共享信道信息率控制系统，用于控制在一个移动数据包通讯系统里的共享信道的信息率。
D3 公开了一种数据信号信息率控制系统，用于控制通过一个与移动数据包通讯系统里的多个移动站连接的下行链路共享信道控制数据信号的信息率。但是 D1、D2 和 D3 均没有公开或暗示如权利要求 1 中所述的“无线网络控制器采用 IP 交换网络代替 ATM 交换机实现无线网络控制器内部各功能模块之间的数据和信令交换”的内容，而且对本领域技术人员来说，根据 D1、D2、D3 或其组合也不能显而易见地得到权利要求 1 的技术方案。因此，权利要求 1 具备 PCT 条约 33 (2) 所规定的新颖性和 PCT 条约 33 (3) 所规定的创造性。

权利要求 2 至 11 是权利要求 1 的从属权利要求，也具备 PCT 条约 33 (2) 所规定的新颖性和 PCT 条约 33 (3) 所规定的创造性。

权利要求 1 至 11 均具备 PCT 条约 33 (4) 所规定的工业实用性，因为请求保护的设备可以在工业上制造和使用。

translation


PATENT COOPERATION TREATY

PCT



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IBE020019PCT		FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/CN03/00568		International filing date (day/month/year) 16.JUL.2003(16.07.2003)		Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC IPC⁷: H04Q7/20 H04J13/00				
Applicant UTSTARCOM(CHINA) CO.LTD. ET AL				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 15.JUL.2004(15.07.2004)		Date of completion of this report 09.NOV.2005(09.11.2005)		
Name and mailing address of the IPEA/CN The State Intellectual Property Office, the P.R.China, 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China 100088 Facsimile No. 86-10-62019451		Authorized officer LING LIN  Telephone No. 86-10-62084566		

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN03/00568

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages * _____ as amended (together with any statement) under Article 19
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN03/00568

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims 1-11	YES
	Claims	NO
Inventive step (IS)	Claims 1-11	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-11	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The present invention discloses a distributing radio network controller based on IP switch, which composes of several modules partitioned on function. Documents D1, D2 and D3 have been cited.

D1: EP1269708 A1

D2: US2003086374 A1

D3: EP1309106 A1

D1 discloses a protocol architecture of radio access network, the protocol architecture of the telecommunications system includes Internet Protocol as a protocol above a link layer protocol in a transport network layer and the protocol architecture can be used over several interfaces. D2 discloses a shared channel information rate control system for mobile packet communication system, which controls information rate of shared channel of specific mobile station. D3 discloses a data signal information rate control system for mobile packet communication, which controls information rate through downlink shared channel of several mobile stations. But D1, D2 and D3 do not disclose or suggest "the radio network controller adopts IP switch network instead of ATM switchboard for exchanging data and signaling between the function modules in the radio network controller" as mentioned in claim 1, and further claim 1 is not obvious to a person skilled on the basis of D1, D2, D3 or their combination. Claim 1, therefore, has novelty under PCT Article 33(2) and has inventive step under PCT Article 33(3).

Claims 2 to 11, which are dependent claims of claim 1, also have novelty under PCT Article 33(2) and have inventive step under PCT Article 33(3).

Claims 1 to 11 have industrial applicability under PCT Article 33(4), because the device claimed can be made or used in industry.